

**ASSEMBLY BILL**

**No. 1426**

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**Introduced by Assembly Member Levine**

February 27, 2015

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An act to amend Section 47612.5 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1426, as introduced, Levine. Charter schools: classroom-based instruction.

Existing law, the Charter Schools Act of 1992, requires charter schools, as a condition of receiving funding apportionments, to offer in each fiscal year a specified minimum number of minutes of instruction to each pupil based on grade level. For purposes of that instructional time requirement, the act defines “classroom-based instruction” as occurring only when charter school pupils are engaged in required educational activities under the immediate supervision and control of an employee of the charter school who possesses a specified teaching certification. The act requires, for purposes of calculating average daily attendance for classroom-based instruction apportionments, that at least 80% of the instructional time offered by the charter school be at the charter schoolsite.

This bill would instead require, for a charter school that only operates a single schoolsite within the geographic jurisdiction of the authority that granted its charter and has no more than one satellite facility, for purposes of calculating average daily attendance for classroom-based instruction apportionments, that at least 60% of the instructional time offered by the charter school be at the charter schoolsite. The bill would also make nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 47612.5 of the Education Code is  
2 amended to read:  
3 47612.5. (a) Notwithstanding any other ~~provision of law~~ law,  
4 and as a condition of apportionment, a charter school shall do all  
5 of the following:  
6 (1) For each fiscal year, offer, at a minimum, the following  
7 number of minutes of instruction:  
8 (A) To pupils in kindergarten, 36,000 minutes.  
9 (B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.  
10 (C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.  
11 (D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.  
12 (2) Maintain written contemporaneous records that document  
13 all pupil attendance and make these records available for audit and  
14 inspection.  
15 (3) Certify that its pupils have participated in the state testing  
16 programs specified in Chapter 5 (commencing with Section 60600)  
17 of Part 33 in the same manner as other pupils attending public  
18 schools as a condition of apportionment of state funding.  
19 (b) Notwithstanding any other ~~provision of law~~ law, and except  
20 to the extent inconsistent with this section and Section 47634.2, a  
21 charter school that provides independent study shall comply with  
22 Article 5.5 (commencing with Section 51745) of Chapter 5 of Part  
23 28 and implementing regulations adopted thereunder. The ~~State~~  
24 ~~Board of Education~~ state board shall adopt regulations that apply  
25 this article to charter schools. To the extent that these regulations  
26 concern the qualifications of instructional personnel, the ~~State~~  
27 ~~Board of Education~~ state board shall be guided by subdivision (I)  
28 of Section 47605.  
29 (c) A reduction in apportionment made pursuant to subdivision  
30 (a) shall be proportional to the magnitude of the exception that  
31 causes the reduction. For purposes of paragraph (1) of subdivision  
32 (a), for each charter school that fails to offer pupils the minimum  
33 number of minutes of instruction specified in that paragraph, the  
34 Superintendent shall withhold from the charter school's  
35 apportionment for average daily attendance of the affected pupils,

1 by grade level, the sum of that apportionment multiplied by the  
2 percentage of the minimum number of minutes of instruction at  
3 each grade level that the charter school failed to offer.

4 (d) (1) Notwithstanding any other ~~provision of law~~ *law*, and  
5 except as provided in paragraph (1) of subdivision (e), a charter  
6 school that has an approved charter may receive funding for  
7 nonclassroom-based instruction only if a determination for funding  
8 is made pursuant to Section 47634.2 by the ~~State Board of~~  
9 ~~Education~~ *state board*. The determination for funding shall be  
10 subject to any conditions or limitations the ~~State Board of~~  
11 ~~Education~~ *state board* may prescribe. The ~~State Board of Education~~  
12 *state board* shall adopt regulations on or before February 1, 2002,  
13 that define and establish general rules governing  
14 nonclassroom-based instruction that apply to all charter schools  
15 and to the process for determining funding of nonclassroom-based  
16 instruction by charter schools offering nonclassroom-based  
17 instruction other than the nonclassroom-based instruction allowed  
18 by paragraph (1) of subdivision (e). Nonclassroom-based  
19 instruction includes, but is not limited to, independent study, home  
20 study, work study, and distance and computer-based education. In  
21 prescribing any conditions or limitations relating to the  
22 qualifications of instructional personnel, the ~~State Board of~~  
23 ~~Education~~ *state board* shall be guided by subdivision (l) of Section  
24 47605.

25 (2) Except as provided in paragraph (2) of subdivision (b) of  
26 Section 47634.2, a charter school that receives a determination  
27 pursuant to subdivision (b) of Section 47634.2 is not required to  
28 reapply annually for a funding determination of its  
29 nonclassroom-based instruction program if an update of the  
30 information the ~~State Board of Education~~ *state board* reviewed  
31 when initially determining funding would not require material  
32 revision, as that term is defined in regulations adopted by the *state*  
33 board. A charter school that has achieved a rank of 6 or greater on  
34 the Academic Performance Index for the two years immediately  
35 ~~prior to~~ *before* receiving a funding determination pursuant to  
36 subdivision (b) of Section 47634.2 shall receive a five-year  
37 determination and is not required to annually reapply for a funding  
38 determination of its nonclassroom-based instruction program if an  
39 update of the information the ~~State Board of Education~~ *state board*  
40 reviewed when initially determining funding would not require

1 material revision, as that term is defined in regulations adopted by  
2 the *state* board. Notwithstanding any ~~provision of other~~ law, the  
3 ~~State Board of Education~~ *state board* may require a charter school  
4 to provide updated information at any time it determines that a  
5 review of that information is necessary. The ~~State Board of~~  
6 ~~Education~~ *state board* may terminate a determination for funding  
7 if updated or additional information requested by the *state* board  
8 is not made available to the *state* board by the charter school within  
9 a reasonable amount of time or if the information otherwise  
10 supports termination. A determination for funding pursuant to  
11 Section 47634.2 may not exceed five years.

12 (3) A charter school that offers nonclassroom-based instruction  
13 in excess of the amount authorized by paragraph (1) of subdivision  
14 (e) is subject to the determination for funding requirement of  
15 Section 47634.2 to receive funding each time its charter is renewed  
16 or materially revised pursuant to Section 47607. A charter school  
17 that materially revises its charter to offer nonclassroom-based  
18 instruction in excess of the amount authorized by paragraph (1)  
19 of subdivision (e) is subject to the determination for funding  
20 requirement of Section 47634.2.

21 (e) (1) Notwithstanding any other ~~provision of~~ law, and as a  
22 condition of apportionment, “classroom-based instruction” in a  
23 charter school, for the purposes of this part, occurs only when  
24 charter school pupils are engaged in educational activities required  
25 of those pupils and are under the immediate supervision and control  
26 of an employee of the charter school who possesses a valid teaching  
27 certification in accordance with subdivision (l) of Section 47605.  
28 For

29 (A) *Except as provided by in subparagraph (B), for purposes*  
30 *of calculating average daily attendance for classroom-based*  
31 *instruction apportionments, at least 80 percent of the instructional*  
32 *time offered by the a charter school shall be at the schoolsite, and*  
33 *the charter school shall require the attendance of all pupils for*  
34 *whom a classroom-based apportionment is claimed at the schoolsite*  
35 *for at least 80 percent of the minimum instructional time required*  
36 *to be offered pursuant to paragraph (1) of subdivision (a) of Section*  
37 *47612.5. For (a).*

38 (B) *For purposes of calculating average daily attendance for*  
39 *classroom-based instruction apportionments, at least 60 percent*  
40 *of the instructional time offered by a charter school that only*

1 *operates a single schoolsite within the geographic jurisdiction of*  
2 *the authority that granted its charter and has no more than one*  
3 *satellite facility, as provided for in subdivision (c) of Section*  
4 *47605.1, shall be at the schoolsite, and the charter school shall*  
5 *require the attendance of all pupils for whom a classroom-based*  
6 *apportionment is claimed at the schoolsite for at least 60 percent*  
7 *of the minimum instructional time required to be offered pursuant*  
8 *to paragraph (1) of subdivision (a).*

9 (2) For the purposes of this part, “nonclassroom instruction” or  
10 “nonclassroom-based instruction” means instruction that does not  
11 meet the requirements specified in paragraph (1). The ~~State Board~~  
12 ~~of Education~~ *state board* may adopt regulations pursuant to  
13 paragraph (1) of subdivision (d) specifying other conditions or  
14 limitations on what constitutes nonclassroom-based instruction,  
15 as it deems appropriate and consistent with this part.

16 (3) For purposes of this part, a schoolsite is a facility that is used  
17 principally for classroom instruction.

18 (4) Notwithstanding any other ~~provision of law~~, neither the ~~State~~  
19 ~~Board of Education~~, *state board* nor the Superintendent may waive  
20 the requirements of paragraph (1) of subdivision (a).